

**FILED**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT of TEXAS  
SAN ANTONIO DIVISION**

APR 23 2013  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

**UNITED STATES of AMERICA,**

**Plaintiff**

**v.**

**WILLIE MENDOZA, BoP # 75578-280,**

**Defendant**

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**Criminal Case  
No. SA-11-CR-368(2)-OG**

**ORDER**

Before the Court is Defendant Willie Mendoza's Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582. (Docket Entry # 96.)

Defendant was convicted of unlawful possession of machine guns, and was sentenced to 70 months. This Court's Judgment and Commitment Order was entered October 7, 2011. Defendant requests modification of his sentence pursuant to § 3582 stating that the Second Chance Act applies to his case and his sentence should be modified accordingly. He also requests this Court order the Bureau of Prisons (BoP) "to apply the Second Chance Act to [his] case."

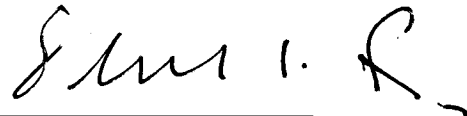
The Second Chance Act, 18 U.S.C. § 3624(c), authorizes the BoP to release certain prisoners to a halfway house for the last twelve months of a sentence. Administration of Defendant's sentence and the Second Chance Act is the responsibility of the BoP, and thus Defendant's request should be addressed to the BoP at the appropriate time. *See U.S. v. Engs*, 884 F. 2d 894, 896 (5th Cir. 1989).

Defendant failed to present grounds for modification of his sentence. Section 3582(c) authorizes modification or reduction of a sentence only under very limited circumstances not applicable in this case. Section 3582(c) authorizes a district court to modify a sentence: on the motion of the Director of the BOP due to extraordinary circumstances or where the prisoner is

seventy years old and has served more than thirty years of his sentence; or where there has been a material amendment to the Sentencing Guidelines. These circumstances do not apply in the present case. Defendant failed to identify an error in this Court's Judgment warranting correction of his sentence pursuant to Fed. R. Crim. P. 36. Furthermore, Defendant failed to present grounds for relief pursuant to 28 U.S.C. § 2255.

Accordingly, Defendant Mendoza's Motion for Modification of Sentence (Entry # 96) is **DENIED.**

**DATED:** April 23, 2013



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**ORLANDO L. GARCIA**  
United States District Court